



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

September 29, 2004

SUBJECT: **2004-0676:** Application on an 8,070 square-foot site located at **824 Lark Lane** in an R-0 (Low Density Residential) Zoning District. (APN: 316-04-041)

Motion Use Permit to allow a fence in the side yard that ranges from seven feet to nine feet and six inches in height.

REPORT IN BRIEF

Existing Site Conditions Single Family Home

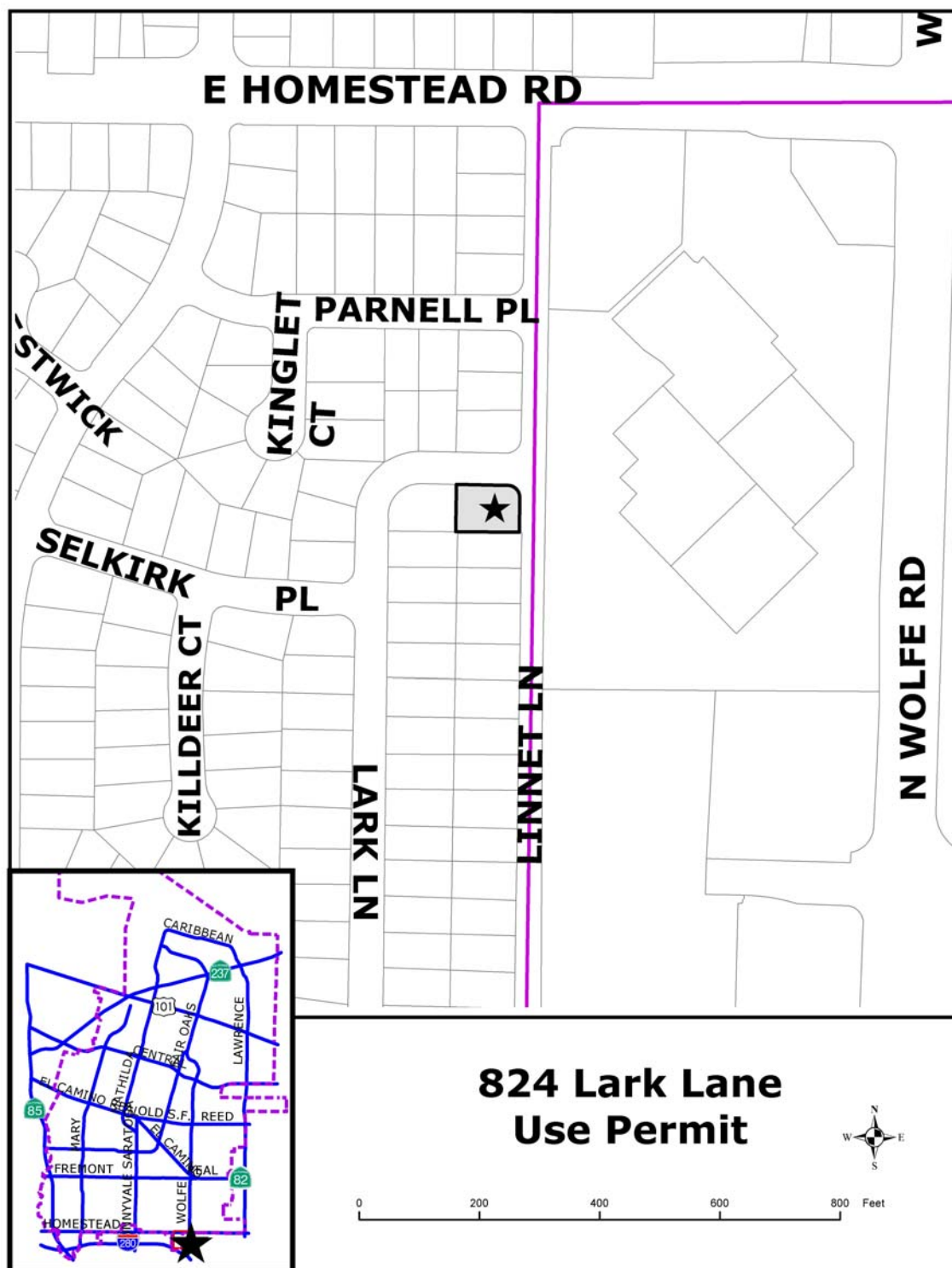
Surrounding Land Uses

North	Single Family Residential
South	Single Family Residential
East	Single Family Residential
West	Single Family Residential

Issues Fence Design
Impact on Streetscape and Neighboring Properties

Environmental Status A Class 11 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with modifications



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Low Density Residential	Same	Low Density Residential
Zoning District	R-0	Same	R-0
Lot Size (s.f.)	8,070	Same	6,000 min.
Fence Height	Approx 7 ft. along Lark Lane	Up to 9.5 ft. along the side and rear yard	Side yard height permitted with Use Permit

ANALYSIS**Background**

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
1998-1090	MPP to allow a 7 ft. high fence in side and reducible front yard	Staff Level Approved	9/23/98

Description of Proposed Project

The application is to replace an existing fence between the subject property and the property to the south and west with a fence ranging in height up to 9.5 ft.

Environmental Review

A Class 11 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 11 Categorical Exemptions include minor structures such as fences.

Use Permit

Use: The purpose of the fences are to create a taller visual buffer between the site's backyard and surrounding properties.

Site Layout: The subject site is a corner lot at the intersection of Linnet and Lark Lanes. Though the site is addressed off Lark Lane, the front yard according to the Sunnyvale Municipal Code is along Linnet Lane. The proposed fence is between the subject property and 1741 Linnet Lane. The second fence is along the rear property line, extending into the required reducible front yard (see Attachment 3, Site Plan). The subject property is approximately one foot higher than the lot to the south.

Architecture: The subject fence is currently under construction. The proposed design is board-on-board ranging in height from 7 ft. to 9.5 ft. (The existing posts will be cut down in height once the rest of the construction is complete). There is an existing fence along Lark Lane that has 6 ft. of board-on-board with one foot of lattice on top for a total of 7 ft.

Compliance with Development Standards

If approved, the fence would comply with applicable development standards.

Expected Impact on the Surroundings

The proposed 9.5 foot tall fence will have a visual impact on the surrounding properties, as it is substantially taller than other fencing in the neighborhood. This fencing will also impact the streetscape along Lark Lane.

Staff has concerns with the height and design of both fences. The Single Family Home Design Techniques discourage tall fencing and recommend a maximum of 6 ft. in height with 12 inches of lattice. (Design Technique 3.11.G) The adjoining neighbor has expressed concern with the proposed height and the lack of a retaining wall to support the excess soil between the two properties. This neighbor had originally signed a document agreeing to the fence (Attachment 4), but had become concerned after construction began.

Staff recommends that the height of both fences be reduced to a maximum of 7 ft., with a design of 6 ft. board-on-board and one foot of lattice work on top. This design is compatible with the existing fencing along Lark Lane, will address concerns expressed by the neighbor and be in compliance with the Single Family Design Techniques. Staff also recommends that the fence shall be adequate to retain up to one-foot of earth (Condition #4).

Findings, General Plan Goals and Conditions of Approval

Staff is able to make the required Findings based on the justifications for the Use Permit if the project is modified in accordance with the recommended conditions.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Staff received a note with pictures from the adjoining neighbor stating concerns with the fence as it is being constructed and the proposed height (Attachment 5).

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 8 notices mailed to the adjacent property owners and residents of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Alternatives

1. Approve the Use Permit with modifications as recommended by staff.
2. Approve the Use Permit with other modifications than recommended by staff.
3. Deny the Use Permit.

Recommendation

Alternative 1.

Prepared by:

Diana O'Dell
Project Planner

Reviewed by:

Fred Bell
Principal Planner

Attachments:

1. Recommended Findings
2. Recommended Conditions of Approval
3. Site and Architectural Plans
4. Signed Agreements from Neighbors
5. Information from Adjoining Neighbor

Recommended Findings - Use Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project as modified will meet the Single Family Home Design Techniques:

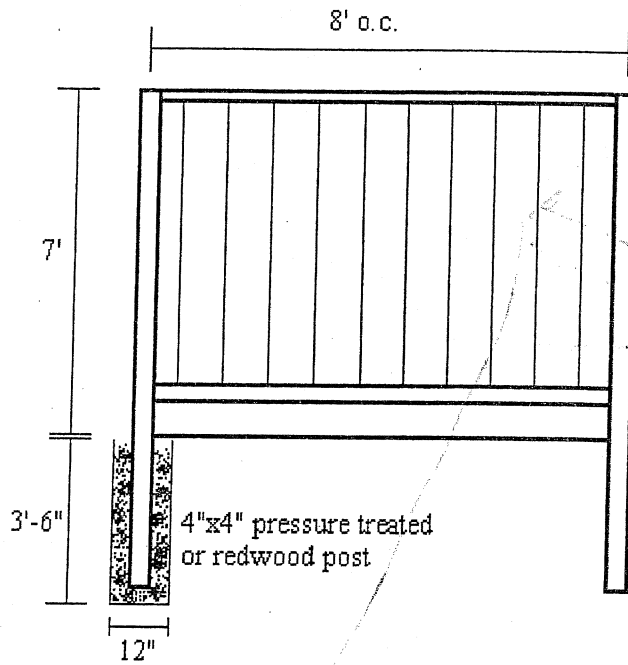
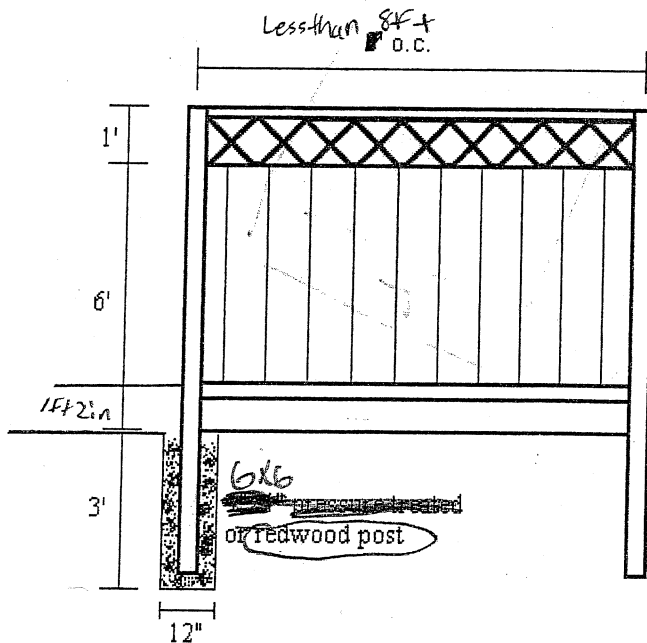
3.11.G ...Side fencing may be solid wood boards, but open lattice work segments at the top of the wall are softer in appearance and encouraged....However, when privacy is at issue, fences should be constructed of wood up to a maximum height of six feet with at least the top twelve inches constructed of wood lattice to soften the visual appearance of the fence top. Chain link fencing is strongly discouraged.
2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District because the modified fencing design is compatible with the existing fencing on the site and is a standard residential design and height for single family home neighborhoods.

Recommended Conditions of Approval – Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. The two-year expiration date of the Use Permit shall be measured from the date of the approval by the final review authority at a public hearing if the approval is not exercised.
2. The fence design shall consist of 6 ft. of board-on-board with one foot of lattice on top for a total of 7 ft.
3. The applicant shall obtain a building permit for the modified fence in both the side and rear yards within 30 days of the date of final approval. If this building permit is not obtained, the fence must be removed.
4. The fence shall be designed to adequately retain up to one foot of earth.

Seven foot high fence without lattice**Six foot high fence with one foot of lattice
(seven foot total height)**

This document contains a legal binding agreement to replace a fence at the adjoining address of 824 Lark Lane Sunnyvale, Ca. 94087 and 1730 Lark Lane Sunnyvale, Ca. 94087. Both owner's Mario Garibay and Tom & Karen McCall (owner's) have come to a mutual agreement on material and fence height. The fence will be constructed as follows.

Starting from Lark Lane street side.

1st. Section Ranging in height from 8ft.6in.-9ft.4in. depending on lot grade changes for a length of approx 16ft.4in.

2nd. Section Ranging in height from 8ft.2in.-8ft.6in. depending on lot grade changes for a length of approx 60ft.5in.

Tom McCall 8-16-04

Loon Nobrial

Karen McCall 8-16-04 Certificate dated 8/16/04

Tom & Karen McCall (owner's)

Date

Notary of Public

attached Date

Mario Garibay

Date

Notary of Public

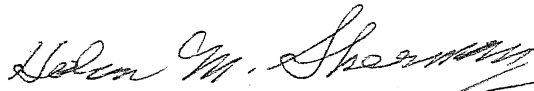
Date

This document is a legal binding agreement between Mario Garibay, 824 Lark Lane, Sunnyvale, CA 94087 and Helen M. Sherman, 1741 Linnet Lane, Sunnyvale, CA 94087.

Mario Galibay is replacing a fence on the property line between their properties. The height of the fence shall be as follows:

Starting from the Linnet Lane side, measuring from back to front, the front portion of the fence (approximately 41 feet) shall not exceed a height of 7ft.3in. to a maximum of 7ft.8in. depending on lot grade. The remaining portion of this fence shall not exceed a height from 8ft.2in. to 9ft.2in. depending on lot grade.

Helen M. Sherman agrees to the above stated heights of this fence as maximums with the proviso that they conform with City of Sunnyvale building codes and fence regulations.



Helen M. Sherman

8-17-04

Date

HELEN M. SHERMAN

1741 Linnet Lane
Sunnyvale, CA 94087

or 431-1741

Kenneth

Phone: (408) 996-2795
helen@computerific.com

in P.M.

2

12

Lower This
Bul 8" to
This -

Lower this
Rail 7" to
this R

to this

Please call these neighbors when you be visiting property to show fence from their property.

Lower Bottom Ribs with the
ones with Red X Total of 3
(Concrete work under the fence
should be done before the fence is up)

favor
176

0.1

Lower this
Rail 8" to
This Rail

1/2

5

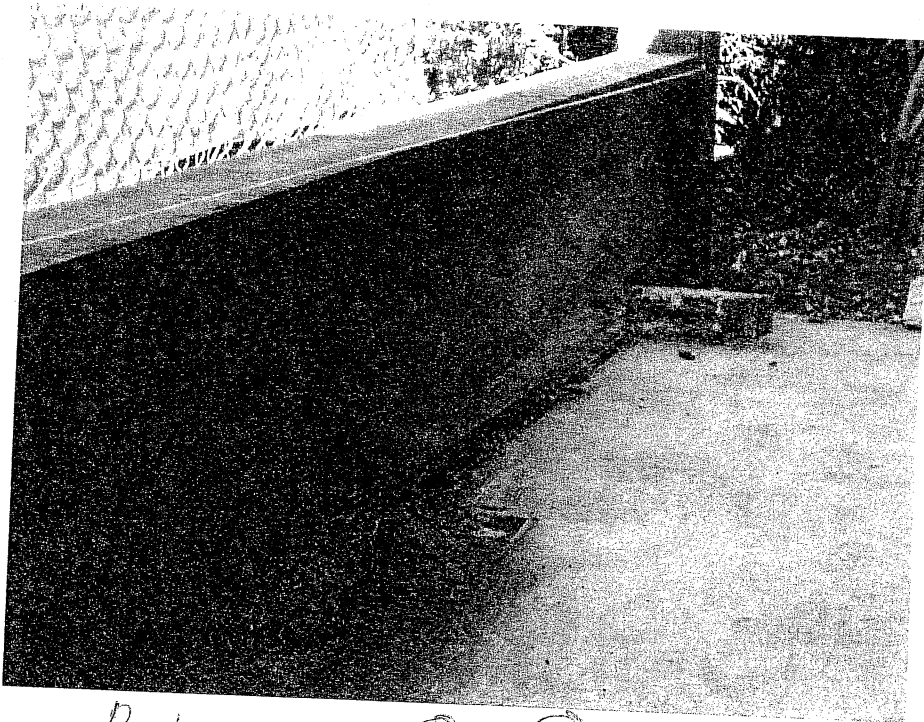
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ATTACHMENT 5Page 1 of 2

neighbor would like to see fence not more than 7'0" for the majority of the fence, and 8'3" at the far end.

ATTACHMENT 5

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Between No ① & ②



un-retained soil

Between No ⑥ + ⑦